IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)
FRIDAY, THE TWENTY FOURTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 17241 of 2004

Between:

M/s Gemini Picture Palace, S.V.N.Road, Warangal

rep. by its Managing Partner Sri B.Sadanandam,

S/o.Viswanatham, aged 42 years,
R/o.Warangal, Warangal District.

..... PETITIONER

AND

1.The Deputy Commissioner of Labour-2nd Appellate Authority

under Section 48 (3) A.P.Shops and Establishments Act,1988,

Warangal, Warangal District.
2.The Assistant Commissioner of Labour, Authority under

Section 48 of the A.P. Shops and Establishments Act 1988,

Warangal, Warangal District.
3.G.Venkataiah, Gate Keeper, House No.16-4-174,

Near Petrol Bunk, Port Road, Warangal.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a writ, order or direction, especially one in the nature of writ of Certiorari calling for records pertaining to S.E. Case No.32 of 1995 (File No.C/3436/1995 dated 16.7.2004 on the file of Assistant Commissioner of Labour, Authority under Section 48 of A.P. Shops and Establishment Act, 1998 and quash the same and declare that the orders of the 2nd appellate Authority under Section 48 (3) of A.P. Shops and Establishments Act, 1988 returning the appeal filed by the petitioner vide its order passed in N.Dis No.B/3417/2004 dated 21.9.2004 is illegal, arbitrary and further declare that the Assistant Commissioner of Labour, Warangal passed in S.E. Case

No.32/95 dated 16.7.2004 is without jurisdiction, power or authority.

Counsel for the Petitioner: MR.M.SURENDER RAO

Counsel for the Respondent Nos.1 & 2: GP FOR LABOUR

Counsel for the Respondent No.3: None appeared.

The Court at the stage of admission made the following :

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THE HONOURABLE DR.JUSTICE G.YETHIRAJULU

WRIT PETITION No.17241 OF 2004

ORDER:

The grievance of the petitioner is that when he preferred the second appeal to the first respondent against the order of the second respondent, it was returned on the ground that the petitioner failed to comply the provisions of Section 48(3) of the Andhra Pradesh Shops and Establishments Act, 1988.

2. The petitioner is now expressing his readiness to deposit the entire amount payable as per the order of the second respondent, after giving deduction to the amount of Rs.19,060-50ps. already deposited by him. The petitioner is therefore, directed to present his second appeal to the first respondent by paying the balance amount as per the order of the second respondent and on presentation of the second appeal along with the amount due as per the order of the second respondent, the first respondent shall take it on file, if it is otherwise in order. The amount paid by the petitioner shall be disbursed to the third respondent after the disposal of the second appeal.

3. The Writ Petition is accordingly disposed of. No order as to costs.

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Dr.G.YETHIRAJULU, J

Date:24th September, 2004.

Cs

NOTE:

Issue C.C. in three days.

B/O

Cs.

ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

1. The Deputy Commissioner of Labour, 2nd Appellate Authority under Section 48(3) of A.P.Shops and Establishments Act, 1988, Warangal, Warangal District.
2. The Assistant Commissioner of Labour, Authority under Section 48 of the A.P. Shops and Establishments Act, 1988, Warangal, Warangal District.
3. Two C.Cs. to the Government Pleader for Labour, High Court Buildings, Hyderabad. (O.U.T.)
4. Two C.D. copies.